

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO**

LIONEL RAYA-RODRIGUEZ, et al.

Plaintiffs

v.

SEARS ROEBUCK CO.

Defendant

\*\*\*\*\*

\*  
\*  
\*  
\*  
\*  
\*  
\*

**Civil No. 03-1002(SEC)**

**ORDER**

The Court called the parties for a Judicial Authorization Hearing to approve the parties' Stipulation for Settlement which would dispose of all of Plaintiffs' claims against Defendant. Present at the hearing were Attorney Julian Rivera-Aspinall representing Plaintiffs, and Co-plaintiffs Lionel Raya-Rodríguez, and his daughter/minor, Nicole Raya-Acevedo. Co-plaintiff Myra Acevedo-Colón, Nicole's mother, was not present but Counsel presented a sworn statement signed by her, stating that she authorized her husband, Co-plaintiff Raya-Rodríguez, to make all decisions pertaining to the settlement of this case. See Exhibit 1. Attorney Castillo-Blanco, representative of Defendant, was not present but was excused since the amount for settlement has already been agreed upon by the parties and only the judicial authorization of the settlement remains pending.

The Court reviewed the terms and conditions of the proposed settlement agreement and found these reasonable. Plaintiffs expressed their agreement with this amount and seek judicial authorization for the settlement in favor of the minor, Nicole Raya-Acevedo. The Court thus hereby **ORDERS** as follows:

Defendant is **ORDERED** to consign the entire settlement amount of \$40,000 with the Clerk of the Court. The Clerk of the Court is authorized to issue a check in the amount of \$10,000 to Atty. Julian Rivera-Aspinall corresponding to attorneys' fees. As for the remaining \$30,000, for minor Nicole Raya-Acevedo, Plaintiffs may seek authorization from the Court to withdraw the funds and deposit them in a banking institution. If satisfied that the deposit in such an institution will be beneficial to Nicole, the Court will authorize the Clerk

Civil No. 03-1002(SEC)

2

---

to issue a check for the settlement amount of \$30,000 to the bank, provided that the funds may not be withdrawn without authorization by the Court. Only the interests generated by the principal of \$30,000, however, may be withdrawn by Nicole's parents without the Court's authorization. The principal and any remaining interests may be withdrawn by Nicole once she reaches twenty-one (21) years of age. Should Nicole or her parents have a need (e.g. college tuition) to withdraw the principal before Nicole reaches 21, they may seek the Court's permission to do so.

Per the above order, the Court **APPROVES** the parties' Stipulation for Settlement in Docket # 50. Accordingly, all of Plaintiffs' claims against Defendant will be **DISMISSED WITH PREJUDICE**. Judgment shall be entered accordingly.

**SO ORDERED.**

In San Juan, Puerto Rico, this 28<sup>th</sup> day of March, 2006.

S/ *Salvador E. Casellas*  
SALVADOR E. CASELLAS  
U.S. Senior District Judge